

**REMARKS**

Claims 2-9 and 11-40 are pending in this application. Claims 3, 4, 6-9, 12 and 14-40 stand withdrawn. By this Amendment, claims 2 and 11 are amended. Support for the amendments can be found, for example, on page 49, lines 3 and 4 of the specification. No new matter is added. Applicants respectfully request reconsideration and prompt allowance of the pending claims, at least in light of the following remarks.

**I. Information Disclosure Statement**

Applicants submit an Information Disclosure Statement in conjunction with this Amendment. It is request that the enclosed PTO Form-1449 be initialed and returned to Applicants showing consideration of the reference cited therein by the Examiner.

**II. The Claims Define Patentable Subject Matter**

The Office Action rejects claims 2, 5, 11 and 13 under 35 U.S.C. §103(a) over JP-11-2240443 to Tanabe et al. (Tanabe). Applicants respectfully traverse the rejection.

Tanabe fails to disclose or render obvious each and every feature recited in claim 2. For example, Tanabe fails to disclose or render obvious "a process of projecting the laser beam for reproduction having the same projection condition as that of the reference beam is projected onto the deposited holographic recording layers, the diffraction beams generated in the respective holographic recording layers emitted to different directions from each other at the same time by the projected beam are detected by two-dimensional photo detectors a number of which is equal to that of the holographic recording layers, thereby simultaneously reproducing pieces of information from the light-detecting signals of the two-dimensional photo detectors," as recited in amended claim 2.

The Office Action asserts that the photodiodes 72 of Tanabe correspond to the photo detectors of claim 2 and that the recording layers of the hologram recoding medium 53 of Tanabe correspond to the holographic recoding layers of claim 2. The Office Action further

asserts that having the same number of two-dimensional photo detectors as the number of holographic recording layers would have been obvious because such an embodiment merely duplicates the parts disclosed in Tanabe. Applicants respectfully disagree with these assertions.

Tanabe discloses a plurality of laser diodes 71A projecting laser beams through a lens array 74 and multiple layers of hologram recording medium 53 onto corresponding photodiodes 72 (see Tanabe, Fig. 16 and paragraph [0050]). Lens array 74 is shifted so that each of the light beams exits the layers of hologram recording medium 53 at the same angle (see Tanabe, Figs. 16 and 17 and paragraph [0050]). In other words, the diffraction beams generated in each layer of hologram recording layer 53 are emitted in the same direction. In contrast, claim 2 requires that the diffraction beams generated in each holographic recording layer are emitted in different directions from each other.

As discussed above, lens array 74 of Tanabe is manipulated to cause the light beams exiting the layers of hologram recording medium 53 of Tanabe to be in the same direction. Therefore, it is the light array 74 of Tanabe and not the number of layers of hologram recording medium 53 of Tanabe that determines the direction of the light beams exiting hologram recording medium 53. Accordingly, the number of layers of hologram recording medium 53 does not have any effect on the direction of light beams exiting hologram recording medium 53. Thus, merely duplicating the layers of hologram recording medium 53 of Tanabe to match the number of photodiodes 72 of Tanabe would not render claim 2 obvious over Tanabe.

In addition, photodiodes 72 of Tanabe passively receive the light beams exiting the hologram recording medium 53 of Tanabe (see Tanabe, Fig. 16). Accordingly, the number of photodiodes 72 does not affect the direction of the light beams exiting hologram recording medium 53. Thus, merely duplicating the number of photodiodes 72 of Tanabe to match the

number of layers of the hologram recording medium 53 of Tanabe would not render claim 2 obvious over Tanabe. Therefore, merely duplicating the parts of Tanabe would not render claim 2 obvious over Tanabe.

Furthermore, the Office Action cites *In re Harza* when asserting that duplication of parts renders claim 2 obvious. *In re Harza* concerns duplication of parts recited in an apparatus claim. However, claim 2 is a method claim. The structure of a method is different from the structure of an apparatus. Accordingly, merely duplicating the parts of an apparatus used by a method can change the structure of the method in ways that are patentably significant even if the duplication of the parts of the apparatus itself does not change the apparatus in patentably significant ways. In this case, the Office Action asserts that duplication of the parts of the apparatus (the data detection playback device of Tanabe illustrated in Fig. 16) render the method of claim 2 obvious. The Office Action does not assert that duplication of the parts of a method disclosed by Tanabe render the method of claim 2 obvious. Therefore, *In re Harza*, as applied by the Office Action, does not render claim 2 obvious over Tanabe.

Independent claim 11 also recites that the diffraction beams generated in the respective holographic recording layers are emitted to different directions from each other at the same time by the projected beam and are detected by two-dimensional photo detectors, a number of which is equal to that of the holographic recording layers. Therefore, claim 11 is also patentable for the reasons discussed above for claim 2. Claims 5 and 13 depend from independent claims 2 and 11, respectively. Therefore, these claims are also patentable at least for their dependence from independent claims 2 and 11, as well as for the additional features these claim recite.

Applicants respectfully request withdrawal of the rejection.

**III. Rejoinder**

Claims 3-8, 12, 14-16, 36 and 37 ultimately depend from independent claims 2 and 11. Therefore, Applicants respectfully request rejoinder of those claims.

**IV. Conclusion**

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



James A. Oliff  
Registration No. 27,075

Brian K. Kauffman  
Registration No. 63,199

JAO:BKK/mab

Attachments:

Information Disclosure Statement  
Petition for Extension of Time  
Request for Continued Examination

Date: September 21, 2009

**OLIFF & BERRIDGE, PLC**  
**P.O. Box 320850**  
**Alexandria, Virginia 22320-4850**  
**Telephone: (703) 836-6400**

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